IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Bail Appl..No. 4110 of 2007()

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CRIME NO.215/07 OF VAZHAKKAD POLICE STATION

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PETITIONER/ACCUSED

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BEERAN,S/O.MOIDEEN,THOZHILALI STORE,
EDAVANNAPARA,MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT/STATE:

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THE STATE OF KERALA,REPRESENTED BY
THE SUB INSPECTOR OF POLICE,VAZHAKKAD POLICE
STATION - THROUGH THE PUBLIC PROSECUTOR,HIGH
COURT OF KERALA ERNAKULAM,COCHIN-31.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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B.A.No. 4110 of 2007

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Dated this the 6th day of July, 2007

**O R D E R**

Application for anticipatory bail. The petitioner faces allegations in a crime registered, inter alia, under Section 353 I.P.C. That is the only non-bailable offence alleged against him. He is alleged to have obstructed the sale of sand seized by the Revenue officials. The alleged incident took place on 26.3.2007. Investigation is in progress. The petitioner apprehends imminent arrest. In view of the amendment of the Code, Section 353 is a non-bailable offence and that explains why the petitioner has come to this court with this application under Section 438 cr.P.C.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not seriously oppose the said prayer and I am satisfied in the circumstances of this case that appropriate direction under Section 438 Cr.P.C. can be issued in favour of the petitioner.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 13.7.2007 at 11 a.m. The learned Magistrate shall release him on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 14.7.07 and 15.7.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 13.7.06 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(b) If the petitioner were arrested prior to his surrender on 13.7.2006 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 13.7.2007.

**(R. BASANT)**
Judge

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